

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NEW YORK HELICOPTER CHARTER, INC.
and MICHAEL ROTH individually,

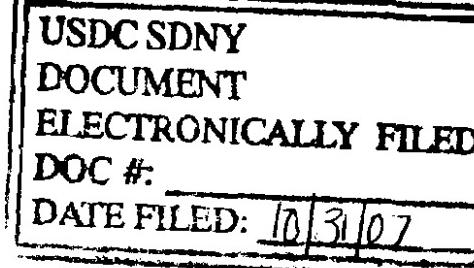
Plaintiffs,

-against-

AIR PEGASUS HELIPORT, INC.,
HUDSON RIVER PARK TRUST and the
FEDERAL AVIATION ADMINISTRATION,

Defendants.

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NOTICE OF MOTION

Case No. 07-Civ.-4069 (MGC)

MEMO ENDORSED

PLEASE TAKE NOTICE that upon the Complaint in this action dated May 24, 2007, the Memorandum of Law in support of this Motion, dated October 1, 2007, and upon all of the pleadings and proceedings heretofore had herein, the undersigned will move this Court, at the Courthouse located at 500 Pearl Street, New York, New York, on **Thursday, October 25, 2007**, at 9:30 in the forenoon of that day or as soon thereafter as counsel can be heard, for dismissal of each of the Causes of Action in the Complaint alleged against Defendant HUDSON RIVER PARK TURST, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) for lack of jurisdiction over the subject matter and failure to state a claim upon which relief may be granted and for such other and further relief as to this Court may seem just and proper.

Motion mooted by leave to file amended complaint, may be renewed after amended complaint is filed on November 13, 2007. For oral opinion, see record of proceeding.

So ordered.

October 29, 2007

S/ United States District Judge